

Navigating the Termination Process

Workshop | September 12, 2019
(Tenant Focused)

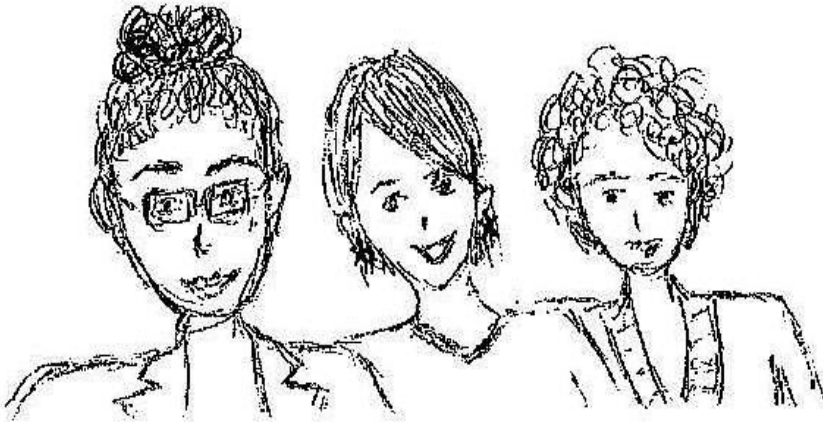


Reminder...

City Staff is not able
to offer legal advice

but...

we can offer tips, best
practices, and an
overview of City actions
regarding the
CSFRA



Introductions

City of Mountain View CSFRA Staff



Anky
van Deursen



Patricia
Black



Andrea
Kennedy



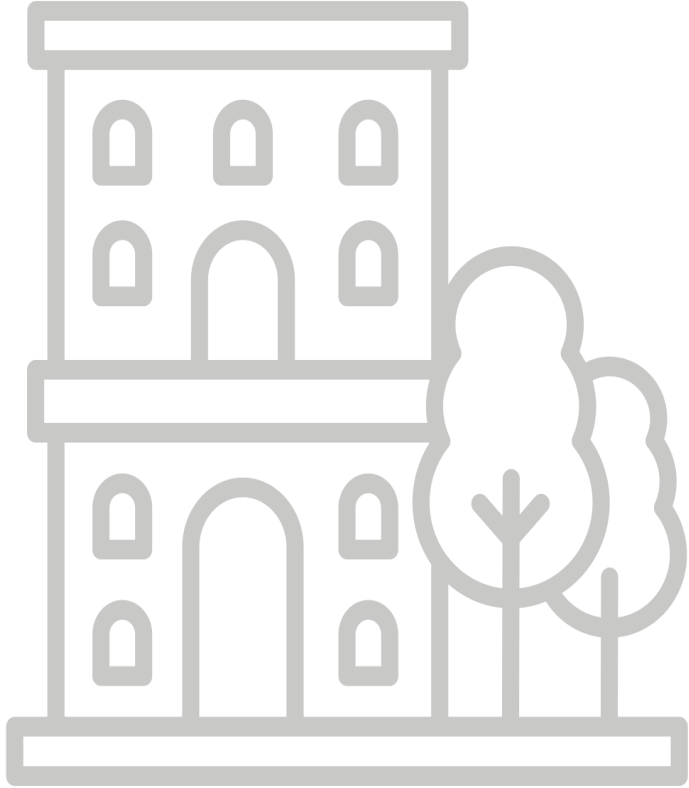
Dianne
Jardinez



Emily
Hislop

MV Housing Helpline

Agenda...



- 1. CSFRA Overview**
- 2. Eviction Protections**
- 3. Noticing Requirements**
- 4. Termination Process Flowchart**
- 5. Tenant Relocation Assistance**
- 6. Tips and Challenges**

Overview CSFRA



What is the CSFRA?

A voter approved measure to stabilize the community by reducing housing turnover in certain rental units by...



1.
Stabilizing Rents



2.
Providing Eviction
Protections



3.
Ensuring a Fair
Rate of Return

CSFRA

Who's Covered?



Most multi-family rental properties built before December 23, 2016 are covered by the CSFRA.

Fully Covered

*Both Rent Stabilization and
Eviction Protections Apply*

- Built before 1995
- Multi-unit properties (except duplexes)
- Not a government or subsidized rental unit

Partially Covered

Eviction Protections Apply

- Built between 1995 and 2017
- Multi-unit properties (except duplexes)
- Not a government or subsidized rental unit

Coverage Exemptions

Multi-Family Units

First Certificate of Occupancy	Rent Increases	Just Cause	Rent Roll Back
Before February 1, 1995	✓	✓	✓
Between February 1, 1995 and December 23, 2016	✗	✓	✗
After December 23, 2016	✗	✗	✗

Fully Exempt Units

- ✗ Single Family Homes
- ✗ Condominiums
- ✗ Companion Units
- ✗ Duplexes
- ✗ Units in hotels, motels, etc. rented out for less than 30 days
- ✗ Units in hospitals, medical care facilities, dormitories, etc.
- ✗ Government or subsidized rental units

Pop Quiz!





Pop Quiz Question

True or False?

Rental units built before 1995 are
PARTIALLY covered under the CSFRA



Pop Quiz Answer

FALSE

Fully Covered

*Both Rent Stabilization and Eviction Protections
Apply*

- Built before 1995
- Multi-unit properties (except duplexes)
- Not a government or subsidized rental unit

Eviction Protections



Why do Eviction Protections Matter?



Eviction Protections
provide **tenants** in
good standing with
housing stability
similar to the
stability that
homeowners enjoy
on fixed-term
mortgages

9 Reasons for Termination

Tenant

- Failure to pay rent
- Breach of Lease*
- Nuisance*
- Criminal Activity*
- Failure to give Access*

Landlord **

- Repairs/temporary vacancies
- Owner move-in
- Withdrawal from rental market
- Demolition

* Requires Notice to Cease, before termination notice

** Relocation assistance and right of first return rules apply

Failure to Pay Rent

- Tenant has failed , after 3 day written notice, to pay lawful rent

Breach of Lease

- Violation of material parts of the rental agreement's contractual terms and conditions

Nuisance

- Behavior endangering the health and safety of neighbors
- Behavior preventing neighbors from quiet enjoyment of tenancy:
 - Loud music, barking dogs, foul odors, smoking
- Abandoning vehicles, equipment or structures
- Overcrowding with occupants
- Damaging property

Criminal Activity

- Violation of state and federal criminal law:
Destroy peace, quiet, comfort, or safety of
landlord or other tenants on property

Failure to give access

Lawful Entry (CC 1954)

- Only for necessary or agreed repairs or services or allowed inspections

24 Hour Written Notice

- State time and date and purpose of entry
- Not applicable in cases of emergency (fire, flooding)
- Entry during normal business hours

Tenant need not be present

- Tenant has right to be present but cannot deny lawful entry
- *Failure to give access*, after Notice to Cease is issued and tenant continues to deny access, is Just Cause for Eviction

Repairs/Temporary Vacancy

Requirements:

- Repairs must be substantial and necessary to bring the unit into compliance with applicable codes and laws
- Owner must have necessary permits
- For a period longer than 30 days

Tenant has the right to:

- Comparable vacant unit at the same rent (no tenant relocation)

OR

- Tenant Relocation and First right of return upon completion of repairs at same rent

Owner Move-in

- Requirements
 - Unit must be primary residence for owner, spouse, domestic partner, children, parents or grandparents
 - Owner has at least 50% ownership
 - Owner/relative must move in within 60 days and live there for at least 36 consecutive months
- Prohibited when owner/chosen relative already lives on property or if another vacancy exists on property, unless reasonable accommodation needed for disability
- Exemption for tenants who residence for at least 5 years and either 62 years old or disabled or certified as terminally ill, unless owner/chosen relative also meets criteria for exemption.

Withdrawal from Rental Market

- Entire property
- Permanent withdrawal from rental market
- Follow procedures (local law & TRA0)
- Notice of Intent within 30 days of permit request
- Notice of termination 120 days/1 year

Demolition

- Rental unit permanently withdrawn
- Obtain necessary permits from City
- Comply with local law and TRAO

What is NOT a “Just Cause”

Terminations without any of the 9 Just Causes

- Terminations notices MUST include reason

End of Lease

- Tenant is not required to sign a new lease
- Automatic rollover to month-to-month tenancies

Sale or Transfer of Rental Property

- Noticing of new ownership information to tenant required

Unreasonable Denial of Additional Tenant

- One for one replacement of roommate
- Additional family member

Pop Quiz!





Pop Quiz Question

What is 1 of the 9 reasons
a termination is allowed?



Pop Quiz Answer

Tenant

- Failure to pay rent
- Breach of Lease*
- Nuisance*
- Criminal Activity*
- Failure to give Access*

Landlord **

- Repairs/temporary vacancies
- Owner move-in
- Withdrawal from rental market
- Demolition

* Requires Notice to Cease, before termination notice

** Relocation assistance and right of first return rules apply

Noticing Requirements



Noticing Requirements

Notice to Cease: *Before* Termination Notice

- To cure alleged violation by tenant
- Provide Program telephone number: 650-282-2514

Notice of Termination: 3/30/60/120 days or 1 year

- Detail specific reason for termination
- Notify tenants of potential right to relocation assistance
- Copy to RHC (within 3 days)

Notice of Intent: Withdrawal of Rental Units from Market

- TRAO/Relocation Agency/Tenant relocation assistance

Notice to Cease

Required prior to Notice of Termination in cases of:

- ❖ Breach of Lease
- ❖ Nuisance
- ❖ Criminal Activity
- ❖ Failure to Give Access

Notice to Cease

Written warning, must include:

- Any information necessary to determine Date, time, place, and other circumstances concerning the reason of the notice
- Reasonable period and sufficient details to allow for compliance
- Information on the tenant's right to request reasonable accommodations
- Contact information for MV Rental Housing Helpline (650) 282-2514

Notice of Termination

Notice to Pay Rent or Quit

- 3 Day notice if Tenant has failed to pay rent as required

Termination Notice

- 30 Day notice if Tenant has rented for < 1 Year
- 60 Day notice if Tenant has rented for > 1 Year

Withdrawal from Market/Demolition

- 120 Day Notice if Withdrawal Unit from Rental Market
- 1 Year Notice if Withdrawal Unit from Rental Market and Tenant is Senior or Disabled

Notice of Termination

Submit Termination Notices

- 3 Days to file a copy with the City

Online: mvrent.mountainview.gov

Termination Notice

This form must be used by Landlords to file a copy of the Notice to Terminate. Notices of Termination must be filed with the Rental Housing Committee within three (3) days of serving the Notice on the tenant.

APN : 15002021 | 1938 MONTECITO AV, MOUNTAIN VIEW, CA 94043
UNIT NUMBER : 1938 MONTECITO AV, MOUNTAIN VIEW, CA 94043, 1

Landlord/Company Name *
John Smith

Tenant First Name *
Jane

Tenant Last Name *
Doe

Date Notice Served to Tenant *
7/1/2019

Failure to Pay Rent

- Any notice to terminate tenancy must specify the basis on which the tenancy is being terminated.
- For Breach of Lease, Nuisance, Criminal Activity and Failure to Give Access, the Landlord must Cease to provide the Tenant an opportunity to cure an alleged violation of Section 1702(w) of the CSFRA.
- For terminations based on Necessary and Substantial Repairs Required, the Landlord must be required to pay relocation assistance. Section 1705(9)(b) of the CSFRA.

Failure of Lease
Nuisance
Criminal Activity
Failure to Give Access

CANCEL SUBMIT

New Law – AB2343

In effect September 1, 2019

- Excludes weekends and holidays in calculating response times for non payment and breach of lease notices, and for responses to UD lawsuits.
- 3-day Notice to Pay or Quit: Notice served on Friday, rent is due Wednesday.
- 5 day Response: UD served on Friday, response is due on Friday.

Pop Quiz!





Pop Quiz Question

What is 1 of the 4 cases where a
Notice to Cease is required
prior to a Termination Notice?



Pop Quiz Answer

Notice to Cease

Required prior to Notice of Termination in cases of:

- ❖ Breach of Lease
- ❖ Nuisance
- ❖ Criminal Activity
- ❖ Failure to Give Access

Eviction Process



Constructive Evictions

Are not allowed!

Change
locks

Cut off
Utilities

Harass
Occupants

Prevent
Occupants
from Entering

Unaddressed
Habitability
Issues

Tenant Defense in Unlawful Detainer

Actions taken by owners and/or tenants may be used as part of the tenant's defense against eviction in court...

Constructive Eviction?

- Actions demonstrated to illegally force out tenant, such as change of locks, cut off utilities, harassment, unaddressed habitability issues

Non Compliance with CSFRA?

- Failure to comply with Just Cause section or Noticing requirements may be used as affirmative defense to an eviction lawsuit

Retaliatory Eviction?

- Property owner files eviction in response to a tenant exercising rights under CSFRA

Breaking a Lease

If a tenant wants to leave before the lease term is up...

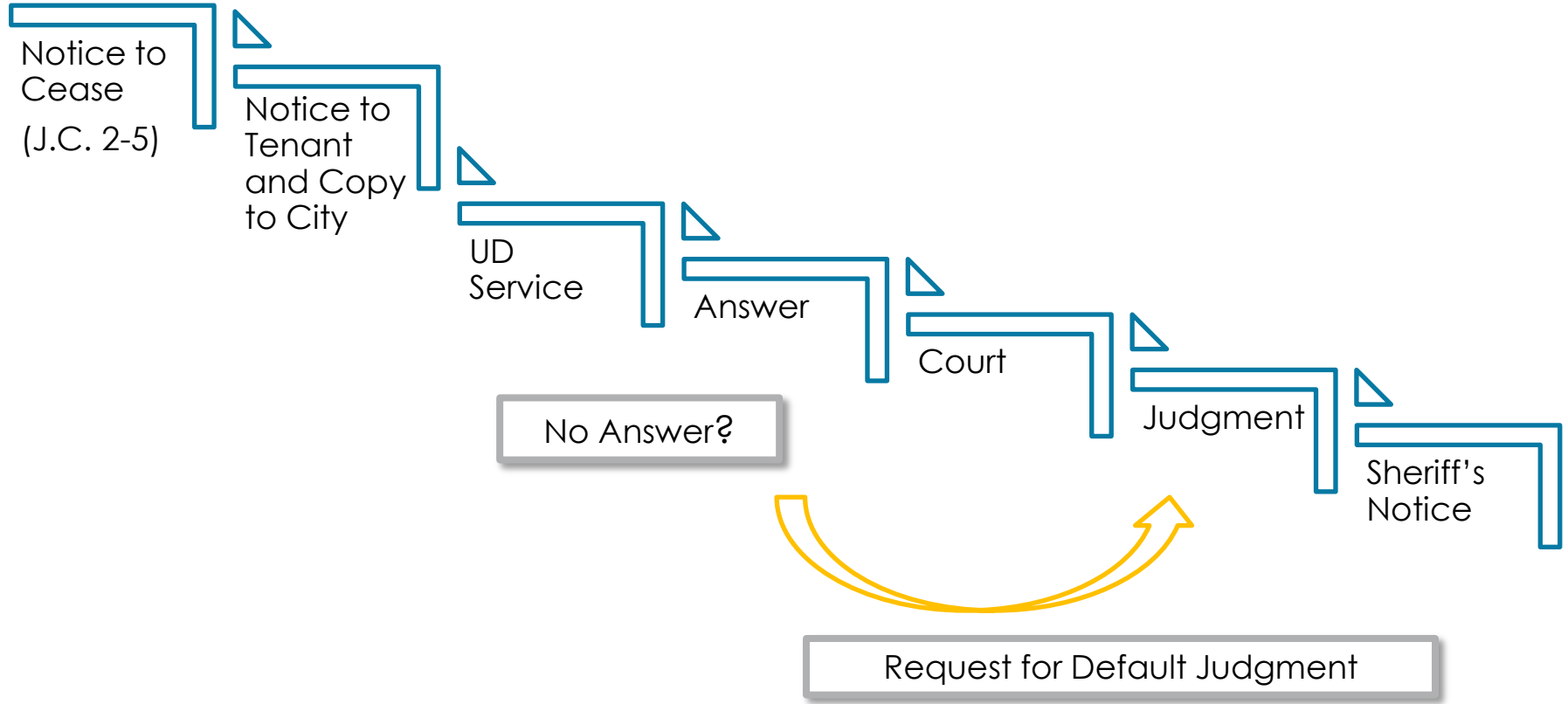
1. Tenant is liable for unpaid rent remaining on lease...but...

- Tenant can choose to pay the “Lease Break Penalty”

2. Landlord must attempt to mitigate costs

- By making reasonable effort to re-rent
 - Tenant is no longer liable for rent from date unit is re-rented

Eviction Process



Pop Quiz!





Pop Quiz Question

What is 1 example of a constructive eviction?



Pop Quiz Answer

Constructive Evictions

Are not allowed!

Change
locks

Cut off
Utilities

Harass
Occupants

Prevent
Occupants
from Entering

Unaddressed
Habitability
Issues

Tenant Relocation Assistance



Tenant Relocation Assistance

Tenant Relocation Assistance is applicable for the following Owner-initiated Just Causes Evictions:



Relocation Assistance Eligibility

Household Size	1	2	3	4	5	6
100% AMI	\$92,000	\$105,100	\$118,250	\$131,400	\$141,900	\$152,400
120% AMI	\$110,400	\$126,150	\$141,950	\$157,700	\$170,300	\$182,950

*2019 State Area Median Income adjusted for household size
(HCD Santa Clara County)

Relocation Assistance Benefits

Refund security deposit



60 day subscription to Rental Agency



3 months rent for average similar sized unit in MV



\$ 3,389 for special circumstance households
(seniors, minors, disabled)

Pop Quiz!





Pop Quiz Question

What is 1 of the 4 benefits under the
Tenant Relocation Assistance
Ordinance?



Pop Quiz Answer

Relocation Assistance Benefits

Refund security deposit



60 day subscription to Rental Agency



3 months rent for average similar sized unit in MV



\$ 3,389 for special circumstance households
(seniors, minors, disabled)



First right of return

First Right of Return



Following termination, same rental unit is returned to market



Tenant advises owner in writing if interested and provides forwarding address



Owner obligated to inform City and Tenant when that unit is being re-rented

First Right of Return

Terms of First Right of Return Benefits

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Actual & Exemplary Damages									
Period of Vacancy Control (punitive damages not to exceed 6 months rent for failure to notify)									
Period of First Right of Return (negotiable rent year 6-10)									

Tips and Challenges



Tips and Challenges...

Be a Tenant in good standing

- Try to avoid late payments, nuisance, violations of lease

Take evictions seriously! Deadlines are strict.

- Contact the MV Rental Housing Helpline immediately (650) 282-2514

Constructive Evictions are not allowed

- Contact MV Rental Housing Helpline (650) 282-2514

No fault evictions require special noticing

- Tenants may be eligible for tenant relocation benefits

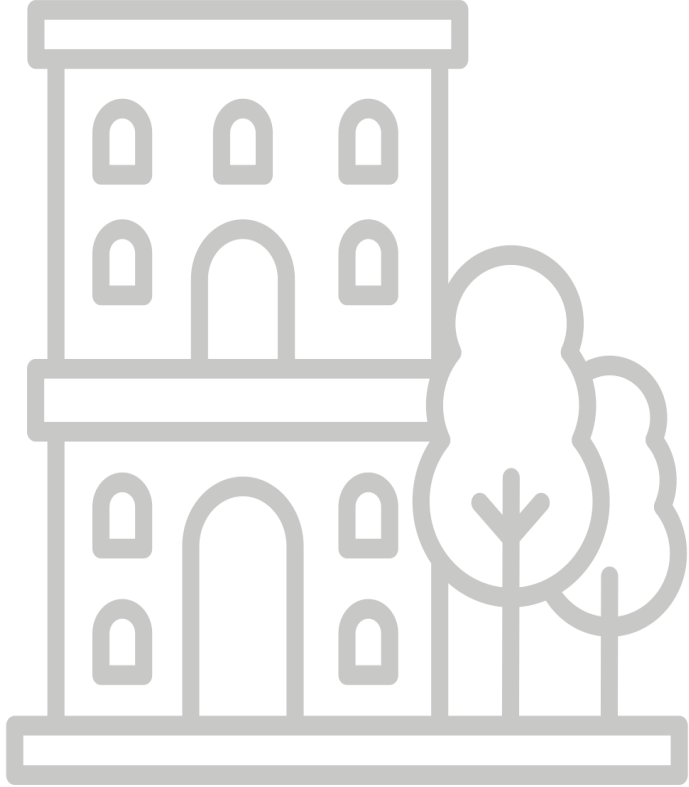
Consider Mediation

- Consider if mediation is an option. Less adversarial in nature, improves relationships

Remember...

Talk with your community,
talk with your landlord and...
talk with us

Resources...



- 1. Website**
- 2. Brochures**
- 3. Mountain View Rental Housing Helpline**
- 4. Petition Clinics**
- 5. Educational Workshops**
- 6. Mountain View Mediation Program**
- 7. Legal Resources**

Website

[Rent Stabilization Home](#)

[Tenants](#)

[Landlords](#)

[Forms & Notices](#)

[CSFRA Act, Regulations & Resolutions](#)

[Rental Housing Committee](#)

[Resources](#)

[INTEREST LIST](#)

[AFFORDABLE HOUSING MAP](#)

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RENT STABILIZATION

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The City of Mountain View implements the Community Stabilization and Fair Rent Act (CSFRA), a voter approved measure (Measure V, 2016), to stabilize the community by reducing rental housing turnover in certain rental units. Program staff work with tenants and landlords to achieve the three main goals of the CSFRA:

1. Stabilize rents
2. Provide eviction protections
3. Ensure a fair rate of return on investment for landlords

Program Brochure

What is the Community Stabilization and Fair Rent Program?

The City of Mountain View implements the Community Stabilization and Fair Rent Act (CSFRA), a voter approved measure (Measure V, 2016), to stabilize the community by reducing rental housing turnover in certain rental units.

What units are covered?

Most multi-family rental properties built before December 23, 2016 are either fully or partially covered by the CSFRA.

Fully Covered	Partially Covered
<ul style="list-style-type: none">• Built before 1995• 3 or more units• Not a government or subsidized rental unit	<ul style="list-style-type: none">• Built between 1995 and 2017• 3 or more units• Not a government or subsidized rental unit

To check if your multi-family rental property is covered by the CSFRA, use the map tool provided by the City of Mountain View at mountainview.gov/rentstabilization

Mountain View Housing Helpline

Phone: (650) 282-2514

Email: csfra@housing.org

Address: 500 Castro Street, Mountain View, CA 94041

Walk-in Office Hours
Thursdays
12:00 p.m. to 2:00 p.m.
City Hall, 1st Floor
Public Works Front Conference Room

CSFRA Workshops
1st and 3rd Fridays
1:00 p.m. to 3:00 p.m.
City Hall, 2nd Floor
Plaza Conference Room

City of Mountain View
mountainview.gov/rentstabilization

What are the goals of the CSFRA?

- Stabilize Rents
- Provide Eviction Protections
- Ensure a Fair Rate of Return

Stabilize Rents

- Landlords may raise the rents of **fully covered** units **once every 12 months**
- State law requires landlords to provide written notice of a rent increase
- Tenants may file a petition for 4 reasons:
 - Payment of rent in excess of lawful rent
 - Violation of health and safety or building codes
 - Reduction in services or maintenance
 - Undue tenant hardship
- Before filing a petition, tenants should **carefully review** instructions located on the website and in the petition form

Provide Eviction Protections

- Both **fully** and **partially covered** units have eviction protections
- A tenancy can only be terminated for 7 specific reasons
- Termination Notices must state the reason a tenant is being evicted
- Landlords must:
 - Give a "Notice to Cease" before issuing certain terminations
 - File a copy of Termination Notices with the Rental Housing Committee
 - Offer relocation payments and a First Right of Return for eligible tenants for certain terminations

Ensure a Fair Rate of Return

- Rents can be raised on **fully covered** units:
 - Once every 12 months
 - By a CPI percentage announced annually by the RHC
- Landlords may file a petition for upward adjustment of rent for 1 reason:
 - Ensure a fair and reasonable rate of return
- The petition process ensures a fair rate of return by maintaining **net operating income** for a property from year to year
- Before filing a petition, Landlords should **carefully review** instructions located on the website and in the petition form

Rental Housing Helpline

Contact Information

Phone: (650) 282-2514

Email: csfra@housing.org

Mountainview.gov/rentstabilization

Walk-in Office Hours

Thursdays

12:00 p.m. to 2:00 p.m.

City Hall, 1st Floor

Public Works Front Conference
Room

(habla español)

Petition Clinics

We've Moved!

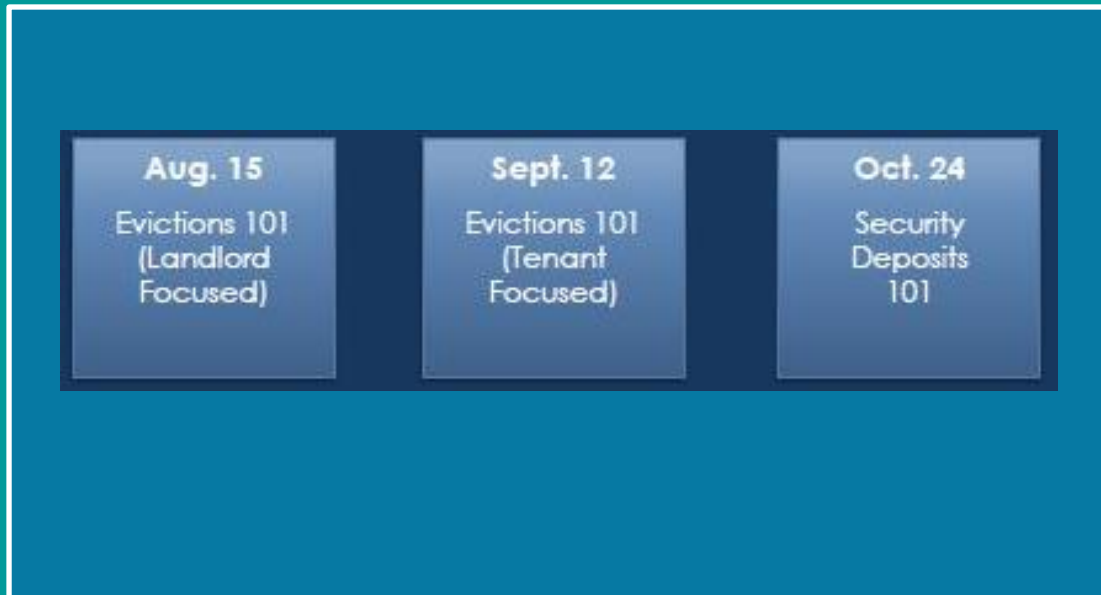
Petition Clinics now held at our
new office!

298 Escuela Ave.
Mountain View, CA

1st and 3rd Friday of the Month!



2019 Workshops



MV Meditation Program



- Free!
- Mediated discussion
- Confidential
- High success rate
- (650) 960-0495
- mediate4MV@housing.org

Legal Resources



Community Legal Service
in East Palo Alto

(650) 391-0354 | clespa.org



Bay Area
Legal Aid

(408) 850-7066 | baylegal.org/get-help



Santa Clara County
Bar Association
Lawyer Referral Service

(408) 971-6822 | www.sccba.com



Volunteer Eviction Assistance
Collaborative (Law Foundation
of Silicon Valley

(408) 280-2424 | lawfoundation.org



Superior Court
Self-Help Center
(408) 882-2926

scscourt.org/self_help/civil/ud/ud_resources.shtml

Questions?

Comments or
suggestions on
CSFRA Workshops?
Take a moment to fill
out the survey!

